

LOCAL GOVERNMENT ELECTIONS 2019

# CANDIDATE

## INFORMATION HANDBOOK



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## **APPENDICES**

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Nomination Form for Candidate for Manawatū-Whanganui Regional Council (Horizons)

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Return of Electoral Expenses and Electoral Donations

#### **DISCLAIMER**

This Candidate Information Handbook is a summary of the matters you need to know as a candidate for the 2019 Local Government Triennial Elections. It has been produced as a guide and contains extracts from the Local Electoral Act 2001 (and its amendments) and the Local Electoral Regulations 2001 (and its amendments). Every effort has been made to ensure that this Handbook is accurate and consistent with the Act and Regulations. Copies of the Acts and Regulations can be obtained online at [www.legislation.govt.nz](http://www.legislation.govt.nz).

## 1. INTRODUCTION

This handbook outlines information that may be of interest to you as a candidate for the 2019 local government elections. It has been prepared as a guide only to assist intending candidates and others interested in election issues with general information on the election. Candidates or other persons requiring more detailed information should contact Horizons Regional Council's Electoral Officer (see page 6 for details).

### General

The elections are undertaken on behalf of Horizons Regional Council by its nine constituent territorial authorities (Palmerston North City Council, Tararua District Council, Manawatu District Council, Horowhenua District Council, Whanganui District Council, Rangitikei District Council, Stratford District Council, Ruapehu District Council and Waitomo District Council).

In addition to their own elections (Mayor, Council, Community Board), each constituent territorial authority will compile and certify the electoral rolls and issue, process and count the votes for our elections.

Horizons Regional Council's Electoral Officer will be responsible for accepting candidate nominations and declaring its election results.

The elections are being conducted by postal vote with Election Day being **Saturday, 12 October 2019**.

The Chief Executive is required under Section 99A of the Local Government Act 2002 (LGA), to produce a Pre-election Report for Council for any year in which local body elections are to be held.

The pre-election report contains financial information for the community and prospective candidates in the election process, and brings together information previously published in Council's Long Term Plans (LTPs), Annual Plans (APs), Annual Reports and associated summaries. This information is intended to promote public discussion about the issues facing Council, and thus enable a better informed election debate.

### Electoral System

The First Past the Post (FPP) electoral system will be used for Horizons Regional Council elections.

The conduct of the local government elections is regulated by legislation. The legislation covers all matters pertaining to the conduct of the elections and should be referred to in the first instance:

- Local Electoral Act 2001 (and its amendments) (LEA)
- Local Electoral Regulations 2001 (and its amendments) (LER)
- Local Government Act 2002
- Privacy Act 1993

Copies of the legislation can be viewed on the internet at [www.legislation.govt.nz](http://www.legislation.govt.nz)

## a) Election key dates

Relevant key dates for the 2019 elections are:

12 July	Campaign expenditure monitoring period commences ( <i>section 104 LEA</i> )
17-19 July	Public notice of election, call for nominations, roll open for inspection ( <i>sections 42, 52, 53 LEA</i> )
<b>19 July</b>	<b>Nominations open/ roll open for inspection (<i>section 42 LEA</i>)</b>
<b>16 August</b>	<b>Nominations close (12 noon)/ roll closes (<i>sec 5 LEA, reg 21 LER</i>)</b>
21 August (or as soon as practicable)	Public notice of day of election, candidates' names ( <i>section 65 LEA</i> )
<b>20-25 September</b>	<b>Delivery of voting documents (<i>reg 51 LER</i>)</b>
20 September – 12 October	Progressive roll scrutiny ( <i>section 83 LEA</i> ) Special voting period ( <i>section 5 LEA, regulation 35 LER</i> ) Early processing period ( <i>section 80 LEA</i> )
By 12 noon 11 October	Appointment of scrutineers ( <i>section 68 LEA</i> )
<b>12 October</b>	<b>Election day (<i>section 10 LEA</i>)</b>
	Voting closes 12 noon – counting commences ( <i>section 84 LEA</i> )
	Preliminary results available as soon as practicable after close of voting ( <i>section 85 LEA, reg 80A LER</i> )
12-17 October	Official count ( <i>section 84 LEA</i> )
17-23 October	Declaration of result/ public notice of results ( <i>section 86 LEA</i> )
Mid December 2019 (depends on date results published)	Return of election expenses forms ( <i>section 112A LEA</i> )

LEA = Local Electoral Act 2001

LGC = Local Government Commission

LER = Local Electoral Regulations 2001

SOLGM = Society of Local Government Managers

### Key contact details are:

#### Electoral Officer

##### Craig Grant

Horizons Regional Council  
11-15 Victoria Avenue  
Private Bag 11025  
Manawatu Mail Centre  
Palmerston North 4442

Freephone 0508 800 800  
Cellphone 021 2277 083  
Email elections@horizons.govt.nz

#### Deputy Electoral Officer

##### Kay Booth

Horizons Regional Council  
11-15 Victoria Avenue  
Private Bag 11025  
Manawatu Mail Centre  
Palmerston North 4442

Freephone 0508 800 800  
Email elections@horizons.govt.nz

## 2. WHAT IS HORIZONS REGIONAL COUNCIL'S ROLE?

### a) General

**Note:** The Council is referred to as Horizons Regional Council, which is the trading name of the Manawatū-Whanganui Regional Council. The Manawatū-Whanganui Regional Council remains the legal name of the Council and this title will be used on election documents. For instance, the election will be for the Manawatū-Whanganui Regional Council.

The Horizons region extends from Tararua in the east to Whanganui in the west, down to Horowhenua and up to Ruapehu. It's a landscape as vast and varied as the over 240,000 people who call it home. At Horizons Regional Council we work to make our region a great place to live, work and play.

Horizons' responsibilities include managing the region's natural resources, leading regional land transport planning, contracting passenger transport services and coordinating our region's response to natural disasters. Some of our activities span several city and district council boundary lines and our jurisdiction extends 12 nautical miles out to sea. As a result we work closely with local territorial authorities and other agencies on some issues to ensure they are managed to benefit the entire Region.

#### **Our Role includes**

- Using a mix of rules, plans, education and information to manage the region's natural and physical resources (as they affect air, land and water), as well as natural hazards and hazardous substances.
- Providing, managing and maintaining flood control, drainage and soil conservation schemes.
- Managing and controlling animal and plant pests such as possums, rooks, Old Man's Beard, and *pinus contorta*.
- Planning and coordinating the region's transport needs, including passenger transport services, Total Mobility for people with disabilities, and road safety.
- Preparing, planning and responding to emergency events, such as a flood, volcanic eruption and earthquakes in our region.
- Coordinating land use changes, waste and economic development.
- Monitor and report on a wide range of environmental parameters which in turn inform our policies and work programmes.
- Granting consents for activities such as intensive land use, earthworks or abstracting water and checking the consent holders are compliant.

The region's 12 Councillors meet regularly to discuss and make decisions on a wide variety of natural resource management issues.

#### **Mission and Goals – Our Purpose**

The purpose of Horizons Regional Council is to create opportunities for the region to grow economically and socially in a way that preserves or enhances agreed environmental and social values.

## **Our Goals**

1. To facilitate regional economic growth;
2. To maintain and enhance the region's environmental values;
3. To increase community resilience to natural hazards;
4. To improve our region's accessibility and transport links;
5. To empower people and communities to make our region a great place.

### **To achieve this:**

- *Natural Resource Management*  
Maintaining and enhancing our region's land, air, water and coast
- *Biosecurity/ Biodiversity*  
Preserving our patch of native New Zealand
- *Transport*  
Leading our region's road, rail, public transport and total mobility planning
- *Catchment Management*  
Reducing the risk and impact of flooding
- *Civil Defence and Emergency Management*  
Leading the region's response to natural disasters
- *Regional Prosperity*  
Working with our partners to facilitate growth, prosperity and sustainability

## **Our Work Programmes**

Our work is divided into Groups of Activities with some programmes/projects managed by multi-disciplinary teams from across the organisation.

### *Land and Water Management*

- Land Management
- Water Quality and Quantity
- Resource Consent and Pollution Management

### *Flood Protection and Control Works*

- River and Drainage – General
- River and Drainage – Schemes

### *Biosecurity and Biodiversity Management*

- Biosecurity
- Biodiversity Protection

### *Regional Leadership and Governance*

- Community Relationships
- Environmental Reporting and Air Quality Monitoring



- Emergency Management
- Governance
- Information
- Hapū and Iwi Relationships
- Strategic Management

#### *Transport*

- Transport Planning
- Passenger Services
- Road Safety

#### *Investment*

- Investment

### **Council Committees**

The full Council meets once a month to review its work. Council committees each focus on a specific area of Horizons' work. Committee structures may change depending on the needs of the Council. The following is a list of current Council Committees:

- Strategy and Policy Committee
- Audit, Risk and Investment Committee
- Catchment Operations Committee
- Environment Committee
- Regional Transport Committee
- Passenger Transport Committee
- Manawatu River Users' Advisory Group
- Linklater Bursary Sub-committee

## **b) Governance Information**

### **Councillor – Base role description**

#### **Collective duties of the council**

- Representing the interests of the Council
- Formulating the Council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by council over a ten-year period
- Determining the expenditure and funding requirements of Council activities through the LTP and annual planning processes
- Overseeing, developing and/or approving all Council policies, administrative, legal, financial and strategic, including formal regional, planning matters within the Council's geographical area of responsibility
- Monitoring the ongoing performance of Council against its stated objectives and policies (including formal sign-off of the Annual Report)
- Ensuring prudent use of Council resources
- Law-making (bylaws)
- Overseeing Council compliance with any relevant Acts of Parliament
- Employing, setting performance requirements for, and monitoring the ongoing performance of the Council's Chief Executive. (Under the Local Government Act 2002, the local authority employs the Chief Executive who, in turn, employs all other staff on its behalf – elected members of Council have no responsibilities for, and cannot direct, any staff employed by the Council other than the Chief Executive.)

### **Representation and advocacy**

- Bringing the views of the community into Council decision-making processes
- Being an advocate for community groups and individuals at Council meetings
- Balancing the need to advocate for specific interests against the needs of the wider community
- Listening to the concerns of local residents and ratepayers on issues pertaining to the Council
- Maintaining contact with community representatives and other local stakeholders
- Participating in any relevant consultative processes with the local community and/or other organisations.

### **Governance**

- Participating constructively and effectively in the good governance of the Council as a whole
- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the Council
- Understanding and respecting the differing roles of the chairperson, committee chairs and councillors
- Recognising that the governance role does not extend to operational matters or to the management of any implementation
- Having a good understanding of the Council processes set out in the Standing Orders that determine how Council meetings are run
- Developing and maintaining a working knowledge of Council services, management processes, powers, duties and constraints
- Participating in the setting and monitoring of Council policies, budgets, strategies and service delivery through annual and long-term planning processes
- Ensuring familiarity with agendas and other council reports before Council meetings
- Being familiar with and complying with the statutory requirements of an elected councillor
- Complying with the Code of Conduct adopted by the Council
- Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or nonpecuniary nature.

### **Additional Information**

#### **Core Competencies**

- Genuine interest, understanding (and passion) of/for the issues faced by Manawatū-Whanganui regional Council (Horizons) citizens.
- Ability to relate to wide range of people at many levels and across many disciplines and cultures.
- Ability to hear and understand the varying positions of others and consider these in decision making.
- Ability to express ideas clearly.
- Ability to understand, focus on and resolve complex issues through long term planning.
- Ability to understand financial and reporting statements.
- Understands the differing roles of governance and management.
- Ability to think “region-wide” on issues to come to decision.
- Be results focused.
- Knowledge of and commitment to the Local Government Act 2002.

### Experience and Background

- May have experience relevant to the challenges facing the district.
- May have extensive community networks.
- Be familiar with the existing Horizons Long Term Plan (LTP).

### Personal Qualities

- Demonstrates integrity and ethical behaviour.
- Is independent, inquisitive and innovative.
- Has the ability to see all sides of an argument.
- Is hard working and can work unsupervised.
- Ability to develop and maintain positive working relationships with councillors and staff
- Committed to Horizons Regional Council.
- Sense of humour.
- Respect for others.
- Flexible working hours, some evening and weekend work is required.
- Actively demonstrate commitment to the Elected Members' Code of Ethics.

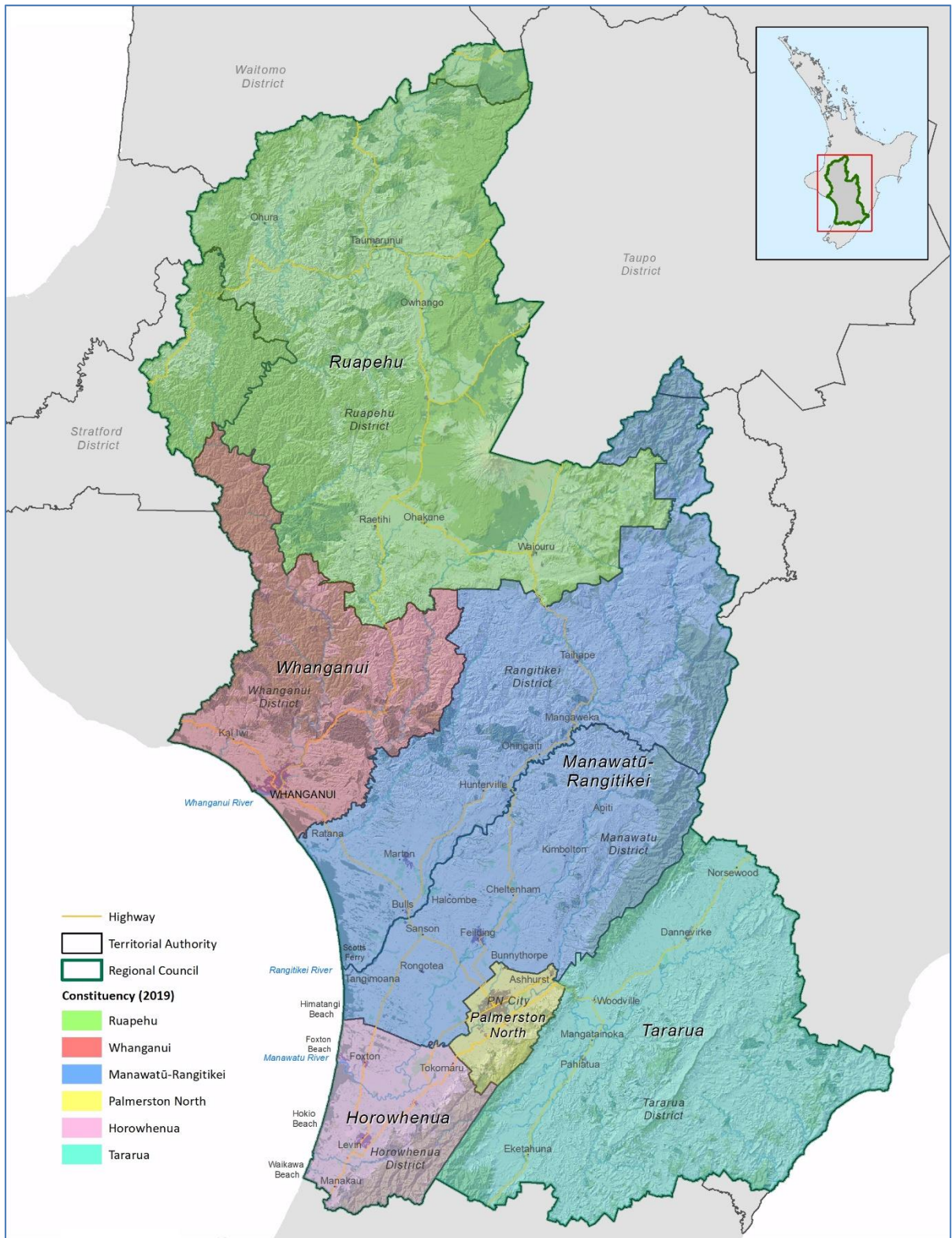
### c) Election issues

The Manawatū-Whanganui region is divided into six constituencies. Elections, if required, will be held for 12 Regional Council members representing six constituencies as follows:

Constituency	No. of Members	Estimated Population <sup>†</sup>
Horowhenua	2	32,460
Manawatū-Rangitikei	2	45,240
Palmerston North	4	87,300
Ruapehu	1	12,900
Tararua	1	17,800
Whanganui	2	44,500
	<b>12</b>	<b>240,200</b>

<sup>†</sup> These figures are 2017 population estimates.

### d) Constituency Map



**Horizons Regional Council**  
2019 Constituency Boundaries

### 3. GENERAL

#### a) Electoral Officer

The electoral officer is appointed by the local authority. However once appointed, the electoral officer (as well as the deputy electoral officer and other electoral officials) is not subject to the direction of the local authority in exercising his or her powers and carrying out duties under the *LEA* and *LER*.

The general duties of the electoral officer are:

- the publication of any public notice in relation to elections and polls
- receiving nominations, candidate profile statements and deposits required to be paid and checking legal requirements are met
- the declaration of results
- receiving returns of electoral expenses and donations
- investigating and reporting alleged electoral offences to the Police
- completing all necessary post-election and poll tasks, including necessary reports and statistics.

At triennial general elections, the territorial authority electoral officer is responsible for compiling and certifying electoral rolls, and the issuing and receiving of voting documents for all elections in the area (i.e. including for regional council, district health board and licensing trust elections). Other responsibilities such as the processing and counting of votes may also be delegated by other electoral officers to the territorial authority electoral officer.

#### b) Electoral Principles

*Section 4 LEA* identifies electoral principles which must be taken into account in the conduct of any election or poll. These principles are set out below for the information of candidates.

- (1) *The principles that this Act is designed to implement are the following:*
  - (aa) *fair and effective representation for individuals and communities;*
  - (a) *fair and effective representation for individuals and communities;*
  - (b) *all qualified persons have a reasonable and equal opportunity to*
    - (i) *cast an informed vote,*
    - (ii) *nominate 1 or more candidates,*
    - (iii) *accept nomination as a candidate;*
  - (c) *public confidence in, and public understanding of, local electoral processes through*
    - (i) *the provision of a regular election cycle,*
    - (ii) *the provision of elections that are managed independently from the elected body,*
    - (iii) *protection of the freedom of choice of voters and the secrecy of the vote,*
    - (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes,*
    - (v) *the provision of impartial mechanisms for resolving disputed elections and polls.*
- (2) *Local authorities, electoral officers, and other elected officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.*
- (3) *This section does not override any other provision in this Act or any other enactment.*



## 4. CANDIDATE QUALIFICATIONS

A candidate standing for Horizons Regional Council **must** be:

- a New Zealand citizen (either by birth or naturalisation ceremony); and
- a parliamentary elector (anywhere in New Zealand) (*section 25 LEA*).

The following restrictions apply for Horizons Regional Council candidates:

- A candidate may stand for election for mayor, city/district council and a community board within the same territorial authority district, **but may not also stand for regional council** of which the territorial authority is part, i.e. a candidate may stand for either the city/district council/community board **or** the regional council but not both (*section 58 LEA*).
- A candidate **may not** stand for more than one constituency of the same local authority (*section 57A LEA*).
- A candidate cannot nominate themselves for office.
- A candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the local authority (*section 3(1) Local Authorities (Members' Interests) Act 1968*). This restriction is waived if prior approval is obtained from the Office of the Auditor-General.
- An employee of a local authority who is elected as Councillor must resign as an employee before taking up his/her position as an elected member (*section 41(5) LGA 2002*).
- Previously an employee of the Police (constable, authorised officer or supervisor) who wished to stand for election to a local authority had to be placed on leave of absence for the purposes of his/her candidature and, if declared elected, treated as having vacated his or her position as a Police employee. These provisions were removed in 2010 and there are now no restrictions applying to Police employees wishing to stand in local authority elections.

### Notes:

1. A Horizons candidate may stand for both the Horizons Regional Council and the Mid-Central DHB.
2. A candidate for the Horizons election can stand for other regional council elections or for city or district council elections outside of the Horizons Regional Council boundary.
3. Candidates are required to record on the nomination paper if they are standing for election in any other elections in New Zealand.
4. Candidates need not be a resident or ratepayer in the constituency in which they are seeking election, or for that matter, the Horizons region, but they must be nominated by two electors of that constituency and they must declare whether they reside within the election area or not.
5. Evidence of NZ citizenship will be required at the time of candidate nomination. Acceptable evidence includes NZ passport, NZ birth certificate, or NZ citizenship documentation.





## 5. NOMINATIONS

### Key dates

A public notice calling for nominations will appear in the press throughout the Manawatū-Whanganui Region on or about Wednesday, 17 July 2019.

The following key dates then apply:

- nominations open on Friday, 19 July 2019
- nominations close at 12 noon on Friday, 16 August 2019.

### Availability of nomination forms

Each nomination must be made on the official nomination form for Horizons Regional Council. A sample nomination form is attached to this Handbook at Appendix 1 (page 63).

- Nomination forms will be available from 1 July 2019 as follows:
  - Horizons Regional Council
    - Regional House Palmerston North, 11-15 Victoria Avenue, Palmerston North
    - Regional House Whanganui, 181 Guyton Street, Whanganui
    - Woodville Service Centre, Cnr Vogel (SH2) and Tay Streets, Woodville
    - Marton Service Centre, Hammond Street, Marton
    - Taumarunui Service Centre, 34 Maata Street, Taumarunui
  - Ruapehu District Council, 59-63 Huia Street, Taumarunui
  - Whanganui District Council, 101 Guyton Street, Whanganui
  - Rangitikei District Council, 46 High Street, Marton
  - Manawatu District Council, 135 Manchester Street, Feilding
  - Horowhenua District Council, 126-148 Oxford Street, Levin
  - Palmerston North City Council, 32 The Square, Palmerston North
  - Tararua District Council, 26 Gordon Street, Dannevirke
  - Stratford District Council, 61-63 Miranda Street, Stratford
- Or by telephoning Horizons Regional Council on freephone 0508 800 800, or 06 9522 800.
- Or on Horizons Regional Council's website: [www.horizons.govt.nz](http://www.horizons.govt.nz) The nomination form must be printed off and signed by the required parties. Electronic signatures are not acceptable.

### Candidate profile statement

The Local Electoral Act allows for candidate profile statements (CPS) of up to 150 words to be provided by each candidate with the completed nomination form if they wish. It is not mandatory. If an election is required these are then collated by the electoral officer and forwarded to electors in a booklet with the voting papers.

Candidate profile statements must be provided electronically via email or on a media device, in a MS Word document that has been spell checked. As the electoral officer could receive dozens of profiles, consistent format of delivery and content is required (refer to guidelines below).

Candidate profile statements are governed by Section 61 of the Local Electoral Act.

If the nomination forms are being personally delivered, a hard copy format of the profile must be provided at the same time.

Hand written profiles will not be accepted.

A CPS must state whether or not the candidate's principal place of residence (ie where the candidate is registered as a parliamentary elector) is in the local government area for which the candidate seeks election (not included within the 150 word limit).

The content of a CPS under (sections 61(2) and (3) of the Local Electoral Act 2001) must be confined to information:

- concerning the candidate (including any affiliation made in the nomination paper or status as an independent and the candidate's contact details); and
- on the candidate's policies and intentions if elected.

A CPS cannot be used to comment on the policies, performance etc of any other candidate.

### **Format of Candidate Profile Statements**

The format requirements for profiles are:

The English text must be plain text, in paragraphs, with no special formatting, i.e.

- No bold, italic, underlining etc.
- No tabs
- No quote marks
- No accent marks (this restriction is in English text only)
- No bullet points

The profiles will be loaded into software provided by the printer that will automatically apply the required font, type size, line spacings etc. If there is no profile statement or photo from a candidate, then "No Profile Statement and/or Photo provided." text or similar will be printed in the profile book.

Any non-English candidate profile content must not exceed 150 words, must be substantially consistent with the English version, and must be supplied with the following formatting:

- Font—Times New Roman (or Equivalent)
- Point Size—9 point size, 11 point line spacing
- No special formatting of text – e.g. no bolding, no italics, no underlines, no quote marks, etc.

### **Translations**

The following contact details are given for a translation company, for those candidates who are unable to prepare the translation image themselves or do not know of anyone to do this for them:

Pacific International Translations (NZ) Ltd 4/203 Queen Street,  
Auckland. Phone: 09 9135290 Fax: 09 9135291

Email: [info@pactrans.co.nz](mailto:info@pactrans.co.nz)

The translation service will provide the translations in the above format to meet the requirements of the printer, the cost of which is to be met by the candidate.

### **Candidate Photos**

Candidates may also submit a recent colour photograph (taken within 12 months of nomination) for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically, on a media device or as an attachment to an email to the electoral officer.

If hard copy photographs are provided, they should be NZ passport size. Two copies of each photo should be provided with the candidate's name clearly printed on the rear of each photograph (Care needs to be taken when labelling hard copies of photos to ensure the photo image is not damaged in the process). Photos will not be returned to candidates.

### **Format of Candidate Photos**

Candidate photos are to be a head and shoulders shot only, with nothing else in the photo, i.e. no hats, sunglasses, pets, external objects or impediments, or other people. They should be in colour. If necessary the electoral officer will crop the photo accordingly but the onus is on the candidate to provide a photo of the candidate only that complies with this format.

Electronic copies of photos should be scanned as a jpeg at a minimum of 600 dpi.

Any queries regarding the format of photos and profiles are to be made to the EO.

Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the electoral officer by 12 noon, Friday 16 August 2019.

### **Correctness of Profile Statements**

The candidate is responsible for ensuring that the candidate profile statement contains correct grammar, spelling, punctuation, etc. The electoral officer may make corrections to the statement without affecting content but accepts no responsibility to make any correction. The candidate should ensure the statement is correct when submitted and not expect any corrections to be applied.

The electoral officer is not required to verify or investigate any information included in a candidate profile statement.

The electoral officer will take no responsibility for the accuracy of the content. A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile statement booklet.

If the profile statement or photo does not comply with the legislative requirements, the electoral officer will as soon as practicable, return the statement to the candidate and specify his/her concerns and the reasons therefore. The candidate will then have up to three (3) days or by 12 noon on Friday 16 August 2019 to submit an amended candidate profile statement to the electoral officer.

A candidate is to be treated as having failed to provide a candidate profile statement, if the candidate:

- fails to submit an amended candidate profile statement within the requested period, or
- submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with the requirements.

Where the electoral officer is not satisfied that the candidate profile statement complies and cannot reach agreement with the candidate within the period specified, but the candidate has submitted a suitable photograph, the electoral officer will act as if the written part of the statement was never received but still publish the photograph in the candidate profile booklet to be included with the voting paper sent to each elector, as well as a message to the effect that a statement was not supplied.

A local authority may, any time after the close of nominations, display candidate profile statements at its offices, or service centres, and on its website in any appropriate manner.

The relevant legislation is section 61 LEA which states:

### **61 Candidate profile statements**

- (1) Every candidate may provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).
- (2) A candidate profile statement:
  - (a) if
    - (i) in English or Maori or both, must not exceed 150 words in each of the languages used in the statement,
    - (ii) in a language other than English or Maori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate), and
  - (b) must be provided to the electoral officer before 12 noon on nomination day; and
  - (c) must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and
    - (ca) must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Lambton Ward" or "My principal place of residence is not in the Lambton Ward"); and
    - (cb) if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and
  - (d) must comply with any prescribed requirements; and
  - (e) may include a recent photograph of the candidate alone.
- (2A) The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).
- (3) If a candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language.
- (4) If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2) or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must:
  - (a) specify the concerns of the electoral officer and the reasons for those concerns; and
  - (b) unless the candidate profile statement does not comply with subsection (2)(b), specify a period, which must not be less than 3 days from the date of return of the statement, during which the candidate may submit an amended candidate profile statement to the electoral officer.
- (5) A candidate is to be treated as having failed to provide a candidate profile statement, if subsection (4)(b) applies to the candidate and the candidate:
  - (a) fails to submit an amended candidate profile statement within the period specified in subsection (4)(b); or
  - (b) submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with subsection (2) or, if applicable, subsection (3).
- (6) An electoral officer:
  - (a) is not required to verify or investigate any information included in a candidate profile statement;

- (b) *may include, in or with any candidate profile statement that is published, displayed, or distributed, any disclaimer concerning the accuracy of the information contained in the statement that the electoral officer considers appropriate;*
- (c) *is not liable in respect of*
  - (i) *any statement contained in or omitted from the candidate profile statement or the work of a translator prudently selected by the electoral officer, or*
  - (ii) *the exercise of the powers and functions conferred on the electoral officer by this section.*

### **Completion of nomination form**

- Each nomination form must have the consent of the candidate, and he or she must be nominated by **two electors** whose names appear on the electoral roll for the constituency in which the candidate is standing.
- A candidate **may not** nominate themselves.
- If a candidate is unable to sign the nomination form (e.g. because they are absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination form.
- If a candidate is commonly known in the community by a slightly different name (Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the electoral officer), the commonly known name may appear on the voting document provided certain requirements are met. A candidate who wishes to use their commonly known name on the voting document will be required to provide both their full name and the name they are commonly known by on their completed nomination form.
- Titles such as Dr, JP, Sir, Dame are not permitted next to the candidate's name on the voting document or the candidate profile statement.
- A candidate must state if they are standing for any other elections.
- A candidate must state if they reside in the election area or not.

*Section 56 LEA* sets out the relevant legislation relating to names of candidates as follows:

#### **56 Name of candidate**

An electoral officer must not accept the nomination of a candidate if the electoral officer is not satisfied, by the evidence (if any) that the electoral officer requires, that the name under which the candidate is nominated is:

- (a) the name under which the candidate's birth was registered, or
- (b) the name which the candidate adopted by deed poll or by statutory declaration under *section 21 of the Births, Deaths and Marriages Registration Act 1995*, at least six months before nomination day, or
- (c) the name by which the candidate was commonly known during the 6 months before nomination day, not being a name that:
  - (i) might cause offence to a reasonable person, or
  - (ii) is unreasonably long or
  - (iii) is, or includes or resembles, an official title or rank, or
  - (iv) is likely to cause confusion or to mislead electors.

## Affiliation

- The nomination form provides for a candidate to have an affiliation. An affiliation is described in *section 57(3) LEA* as “an endorsement by any organisation or group (whether incorporated or unincorporated)”.
- Individual candidates not part of a political party or group may wish to identify their affiliation as “Independent” or leave as blank (if left blank, nothing will show alongside the name of the candidate on the voting document).
- A candidate requiring a specific party affiliation should have authority to adopt the affiliation from the party, organisation or group concerned (i.e. the electoral officer may require a letter of consent from the party, organisation or group giving its consent for the candidate to use the affiliation). This is a safety measure to avoid any illegal adoption of party, group or organisation affiliations.
- No affiliation that might cause offence, is unreasonably long, includes a title (eg. Sir or Dame), or is likely to confuse or mislead electors, will be accepted.

## Return of nomination form

Completed Horizons Regional Council nomination forms together with other documentation (i.e. candidate profile statement, photograph - either electronic or 2 passport sized (if being provided), nomination deposit of \$200, **must be lodged at the office of the Electoral Officer either in person, posted, or emailed:**

Craig Grant - Electoral Officer  
Horizons Regional Council  
11-15 Victoria Avenue  
Private Bag 11025  
Manawatu Mail Centre  
Palmerston North 4442

Freephone	0508 800 800
Telephone	06 9522 863
Email	elections@horizons.govt.nz

**in time to be received no later than 12 noon on Friday 16 August 2019.**

- Nomination forms, along with other documentation (ie. candidate profile statement, photograph (either electronic or 2 passport sized), nomination deposit) can be returned by email or post, but should the form/s be received by the electoral officer or an electoral official at Horizons Regional Council after the close of nominations, **the nomination will be invalid and will not be accepted. As all documentation must be received at the same time, if you are sending these in by email you must provide proof of your electronic transfer of nomination deposit.**
- Once lodged, nomination forms are checked to ensure the candidate's name appears on a parliamentary roll and the nominators are two electors whose names appear on the electoral roll for the constituency in which the candidate wishes to stand.
- Each nomination form lodged, requires a **deposit of \$200 (inclusive of GST)**. This is refunded if the candidate polls greater than 25% of the lowest successful candidate [section 49 Local Electoral Regulations 2001], and upon receipt by the Electoral Officer of the candidate's Electoral Expenses Form [sections 59 and 109 Local Electoral Act 2001].
- Payment of the nomination deposit can be made by cash, bank cheque, personal cheque, eftpos or electronic transfer. However should a personal cheque be dishonoured the nomination becomes invalid as the deposit has not lawfully been made. Please keep in mind that all payments must be received prior to 12 noon on 16 August 2019 so if you are paying electronically please allow 2-3 days for this transaction to be processed.

**Cheques should be made payable to: HORIZONS REGIONAL COUNCIL**

**Deposits made electronically are to be paid into:**

Account name: Horizons Regional Council                      Bank: BNZ  
 Account number: 02-0630-0024883-02

Using the following deposit information:

Deposit reference: ELECTIONS    Code: (Your surname)

- Please do not leave lodging of nominations, candidate profile statements, photographs and deposits to the last minute. Should a nomination form be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are identified, there may be insufficient time to correct the situation and the nomination form could be invalidated.
- Nomination forms, with the deposit, photographs and the candidate profile statement, can be returned by mail, but should the document(s) be received by the electoral officer or deputy electoral officer after the close of nominations the nomination is invalid and will not be accepted.
- Once lodged with the electoral officer, nomination forms (not candidate profile statements) are 'public information' and any person may inspect any nomination form without payment of any fee at any time during ordinary office hours, at the office of the electoral officer (*section 55(5) LEA*).

When a nomination form is submitted, a receipt will be given in the form of a copy of the nomination form with Section C completed. **Any receipt given for a nomination form in this manner does not constitute acknowledgement that the nomination form is correctly completed and in order.**

Written confirmation of the accepted nomination will be given as soon as the nominator paper and documentation is verified.

### **Candidate Details**

Confirmed candidate details will be made available on the council website. The details will be updated on a regular basis throughout the nomination period and will include at least the candidate name and any affiliation claimed.

As soon as possible after nominations have closed a file of candidate contact details will be available for download from the council's website. Candidates may be contacted by journalists, advertisers, pollsters and other groups interested in election matters.

Candidate profile statements and photos will be publicly available after the close of nominations. These details will be available on the council website.

### **Candidate withdrawals**

As per section 59 of the LEA the nomination deposit will be refunded if the candidate withdraws his or her nomination **before** the close of nominations.

A candidate cannot strategically or politically withdraw **after** nominations have closed.

This is now the same as for parliamentary elections, only death or incapacity are valid reasons for withdrawal. A medical certificate must be provided by the candidate or their agent, after which the \$200 deposit is refunded.



## 6. CAMPAIGNING

Election campaigning can commence at any time and continue up to and including election day.

### Election signs

Election signs are permitted on private property (with the owner's consent) at any time. They must be removed in accordance with the relevant councils policies outlined on page 53 under Hoardings (Signs).

### Authorisation of advertising

Election advertising, using any media, must identify the person under whose authority it has been produced. The publication of any advertisements (in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard or card, or broadcast over radio or television) for candidates requires the written authorisation of the candidate or the candidate's agent. The advertisement must contain a statement setting out the true name of the person or persons for whom, or at whose direction, it is published and the street address (not a PO Box) of his or her residence or business. This applies during the candidate's entire campaign.

The relevant legislation detailing the requirements relating to advertising and related offence provisions, are set out in *section 113 LEA* as follows.

#### **113 Advertisements for candidates**

- (1) *No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.*
- (2) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if –*
  - (a) *the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and*
  - (b) *the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) *A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if –*
  - (a) *the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and*
  - (b) *the advertisement contains a statement setting out –*
    - (i) *the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business, and*
    - (ii) *the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*

- (5) *This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.*
- (6) *A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1000.*

No election material may contain any untrue statement defamatory of any candidate and calculated to influence the vote of any elector. No election material may also contain an imitation voting document which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter (*section 122 LEA*).

Candidates should be aware that it is an offence (carrying a fine of up to \$5000 if convicted) to interfere in any way with an elector with the intention of influencing or advising the elector as to how he or she should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in facilities such as rest homes or hospitals. Candidates or their assistants should not collect voting documents from electors. Each elector should post or deliver his or her own voting document to the electoral officer.

The relevant electoral offence provisions are detailed later in this handbook. Please refer to them for your own protection.

### **Horizons Regional Council Social Media Guidelines for Candidates**

Candidates must comply with the following guidelines for social media use and presence related to campaigning:

#### **Things to be aware of**

- Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001. This means in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You must include a physical address in the authorisation statement.
- The Council's social media accounts (listed in the social media channel list below), including but not limited to Facebook, Twitter, Instagram, LinkedIn, YouTube and Vimeo, are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by Council-controlled organisations.
- The Council's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If Horizons Regional Council already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.

- Any social media post to Horizons Regional Council's accounts – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for Council, or election campaign, will be removed immediately.
- Candidates cannot reply to the Council's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the Council's social media accounts.
- Candidates cannot rate, review, check-in or tag the Council's social media channels.
- The Council's social media accounts will remain neutral. Horizons Regional Council will promote elections and the importance of voting but will not associate these posts with any candidates.

Horizons Regional Council's social media accounts are listed below in the Social Media Channel List.

### **Some things you can do**

It's a good idea to encourage people to follow your social media accounts while campaigning, include it in any promotional material. It's a great way to engage with the public – you can ask questions, run polls, encourage people to register to vote and then actually vote! Remind them of important dates, etc.

Great images are important on social media – post pictures from your campaign trail, or post videos of yourself explaining who you are and what you stand for. You may have people who are happy to be filmed sharing why they will be voting for you – seeing other members of their community may encourage people to vote, just ensure you have their permission before filming.

### Facebook

- It's a good idea to have a public figure Facebook Page with a clear profile picture to help your election campaign. It's best to have a new photo.
- Set-aside budget for Facebook advertising to reach voters. You need to become authorised to run ads with political content. Facebook has helpful information on this.
- Facebook also has a helpful guide about using Facebook to engage with voters and build your online community.

### Twitter

- Create a Twitter account. People are very active on Twitter especially when it comes to political discussions. See what hashtags are trending for the election. Follow prominent people in your district, and if people follow you, follow them back.
- Think of Twitter more like a newsfeed or forum to release information about everything you are doing.
- Twitter is a great platform to get involved in conversation and engage the public in the issues you are passionate about. Let people know what you stand for/what you want to change, give people the chance to share their views and explain the reasons for the changes you want to make.

### Neighbourly

- Set up a personal profile on Neighbourly if you don't have one already and then you can add a special candidate pin to your profile picture so the community knows you are a candidate. On this platform you can speak directly to your district, let the community get to know you and see what upsets them/what they care about. Neighbourly often runs special groups for local elections that you can be part of. Visit [neighbourly.co.nz/help](https://neighbourly.co.nz/help) for more info.

#### Instagram

- Instagram is all about photos and short videos. You can feature a single photo or a collage of photos, or 60 second video that will show up on your follower's feeds. You want to drive engagement, not just reach. So remember to focus on quality rather than quantity. Instagram is most successful when you tell personal stories and pictures that give the public greater insight into your campaign, rather than promotional images.
- Stories are a great way to group photos into albums. You might use them to share behind the scenes, promote an event, or focus on a specific issue you care about. You can also customise your Stories by adding music, text, emoji or even polls so you can make them more interactive and add a bit of your own personality.

#### **Social media channel list**

##### Facebook

- <https://www.facebook.com/HorizonsRegionalCouncil/>
- <https://www.facebook.com/ManawatuRiver/>
- <https://www.facebook.com/manawatugorge/>
- <https://www.facebook.com/civildefencemanawatuwanganui/>

##### Instagram

- <https://www.instagram.com/horizonsregionalcouncil/>
- <https://www.instagram.com/manawaturiver/>
- <https://www.instagram.com/manawatugorge/>

##### Twitter

- <https://twitter.com/HorizonsRC?lang=en>
- <https://twitter.com/ManawatuRiver?lang=en>
- [https://twitter.com/Accelerate\\_25?lang=en](https://twitter.com/Accelerate_25?lang=en)
- [https://twitter.com/MW\\_CivilDefence?lang=en](https://twitter.com/MW_CivilDefence?lang=en)

##### YouTube

- <https://www.youtube.com/user/HorizonsRC>

##### Vimeo

- <https://vimeo.com/horizonsregion>

#### **List of Council organisations**

- MWRC Holdings Ltd

## 7. ELECTORAL EXPENSES AND DONATIONS

### Expense limits

Candidates should be aware that expense limits apply for election campaigns (as set out in *section 111 LEA*). This means there is a maximum limit on how much a candidate may spend on his or her campaign. The maximum amount spent must not exceed the limits (GST inclusive) set out as follows:

Local Government area population	Expenditure limit
Up to 4,999	\$3,500
5,000–9,999	\$7,000
10,000–19,999	\$14,000
20,000–39,999	\$20,000
40,000–59,999	\$30,000
60,000–79,999	\$40,000
80,000–99,999	\$50,000
100,000–149,999	\$55,000
150,000–249,999	\$60,000
250,000–999,999	\$70,000
1,000,000 or more	\$100,000 plus 50c per elector*

*Section 111 of Local Electoral Act 2001*

For the Manawatū-Whanganui Regional Council area, the estimated Resident Population as at 2017 with campaign limits is as follows:

Constituency	No. Members	Estimated Population <sup>†</sup>	Expenditure
Horowhenua	2	32,460	\$20,000
Manawatū-Rangitikei	2	45,240	\$30,000
Palmerston North	4	87,300	\$50,000
Ruapehu	1	12,900	\$14,000
Tararua	1	17,800	\$14,000
Whanganui	2	44,500	\$30,000
	<b>12</b>	<b>240,200</b>	

<sup>†</sup> These figures are 2017 population estimates.

The “applicable period” for which campaign expenditure limits apply is three months before election day (i.e. 12 July 2019 to 12 October 2019). However *section 112 LEA* specifies that all campaign expenses incurred before the three month period but relating fully or in part to the three month period, must be

included in the return (i.e. where an election activity is carried out “both before and within the applicable period” then its costs must be apportioned in terms of *section 112*).

Companies, organisations and individuals providing services to candidates for the election must claim their costs within 30 days of the declaration of results. Electoral expenses must be paid within 60 days of the declaration of results (*section 105 LEA*).

### **Return of electoral expenses and electoral donations form**

A Return of Electoral Expenses and Donations form (attached at Appendix 2) is required to be supplied to the electoral officer within 55 days after the official declaration of results (estimated to be mid December 2019) (*section 112A LEA*).

There is no such thing as an “anonymous” donation if it is known who it has come from. Someone cannot give a donation and ask for it to be anonymous. Anonymous means the candidate doesn’t know who it came from, and cannot reasonably work it out. A third party who passes on a donation must disclose who the donor is. A truly anonymous donation cannot be over \$1,500. If it is, the candidate can only keep \$1,500 of it, the balance over \$1,500 must be given to the EO. A donation made up of contributions (eg to a Trust) is treated as one donation, and cannot be over \$1,500. It is an offence to circumvent the \$1,500 limit, ie by deliberately splitting up a donation into smaller contributions.

If an election is not required (i.e. for those candidates elected unopposed), the 55 days will apply from the date of the electoral officer’s public notification of the candidates’ election (estimated to be 21 October 2019).

For candidates out of New Zealand at the time they are declared elected, the return must be filed within 76 days after the election result day.

Responsibility for the accuracy of the return lies with the candidate and significant penalties apply for the making of false returns. (*section 112D LEA*).

Once returned, the electoral expenses and donations form becomes a public document and can be inspected by any person for a period of seven years after the date of the election.

Relevant legislation in the *LEA* relating to electoral expenses is set out below.

#### **104 Interpretation**

In this subpart and subpart 3,

**Applicable period before the close of polling day** means the period beginning 3 months before the close of polling day and ending with the close of polling day.

**Electoral activity**, in relation to a candidate at an election, means an activity:

- (a) that is carried out by the candidate or with the candidate’s authority; and
- (b) that relates to the candidate solely in the candidate’s capacity as a candidate and not to the candidate;
  - (i) in his or her capacity as a member of the local authority or local board or community board, or as the holder of any other office or
  - (ii) in any other capacity; and

- (c) *that comprises –*
  - (i) *advertising of any kind, or*
  - (ii) *radio or television broadcasting, or*
  - (iii) *publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards, or*
  - (iv) *any electronic communication to the public, including (without limitation) the establishment or operation of a web site or other method of communication to the public using the Internet; and*
- (d) *that relates exclusively to the campaign for the election of the candidate; and*
- (e) *that takes place within the applicable period before the close of polling day.*

**Electoral expenses, in relation to a candidate at an election –**

- (a) *means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and*
- (b) *includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and*
- (c) *includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and*
- (d) *includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but*
- (e) *does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate’s personal means of transport; and*
- (f) *does not include expenses incurred by the candidate in preparing a candidate profile statement; and*
- (g) *does not include the labour of any person that is provided to the candidate free of charge by that person; and*
- (h) *does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed*

**Population** *means the population, as at the day that is three months before the close of polling day, of a local government area as specified in a certificate issued in respect of that area by the Government Statistician.*

**105 Periods for claiming and paying expenses**

- (1) *No claim against a candidate, or against any agent of a candidate, in respect of any Electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.*
- (2) *All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.*
- (3) *A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding \$5,000.*

**106 Procedure if claim disputed**

- (1) *If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days –*
  - (a) *the claim is a disputed claim; and*

- (b) *the claimant may, if he or she thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.*
- (2) *Any sum paid by the candidate to satisfy the judgment or order of the Court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.*

**107 Leave to pay claim after time limited**

- (1) *A District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the Court considers it in the interests of justice to grant that leave.*
- (2) *Any sum specified in the order granting that leave may be paid by the candidate and, when paid, is to be treated as paid within the time allowed by this Act.*

**108 Payments to be vouched by bill**

*Every payment made in respect of any electoral expenses must, except when it is less than \$200 (inclusive of goods and services tax), be vouched by –*

- (a) *a bill stating the particulars; and*
- (b) *a receipt.*

**111 Maximum amount of electoral expenses**

- (1) *The total electoral expenses (inclusive of good and services tax) of a candidate must not –*
  - (a) *exceed \$3,500 if any local government area over which the election is held has a population smaller than 5000*
  - (b) *exceed \$7,000 if any local government area over which the election is held has a population smaller than 10000 and larger than 4999*
  - (c) *exceed \$14,000 if any local government area over which the election is held has a population smaller than 20000 and larger than 9999*
  - (d) *exceed \$20,000 if any local government area over which the election is held has a population smaller than 40000 and larger than 19999*
  - (e) *exceed \$30,000 if any local government area over which the election is held has a population smaller than 60000 and larger that 39999*
  - (f) *exceed \$40,000 if any local government area over which the election is held has a population smaller than 80000 and larger than 59999*
  - (g) *exceed \$50,000 if any local government area over which the election is held has a population smaller than 100000 and larger than 79999*
  - (h) *exceed \$55,000 if any local government area over which the election is held has a population smaller than 150000 and larger than 99999*
  - (i) *exceed \$60,000 if any local government area over which the election is held has a population smaller than 250000 and larger than 149999*
  - (j) *exceed \$70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999:*
  - (k) *exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.*
- (1A) *The sum is –*
  - (a) *\$100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or*
  - (b) *\$100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).*
- (2) *Despite subsection (1), if a candidate is a candidate for more than 1 election held at the same time, the total electoral expenses (inclusive of goods and services tax) of that candidate must*



*not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate.*

### **112 Apportionment of electoral expenses**

- (1) *If any activity of the kind described in paragraphs (a) to (d) of the definition of the term electoral activity (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day –*
  - (a) *the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day; and*
  - (b) *the fair proportion of those expenses are electoral expenses.*
- (2) *If any election activity relates exclusively to campaigns for the election of 2 or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.*

### **112AA Offence to pay electoral expenses in excess of relevant prescribed maximum**

- (1) *This section applies to any candidate or other person who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the relevant maximum amount prescribed by section 111.*
- (2) *The candidate or person commits an offence and is liable on conviction –*
  - (a) *to a term of imprisonment not exceeding two years, or a fine not exceeding \$10,000, if he or she knew the payment was in excess of the relevant prescribed maximum amount;*  
*or*
  - (b) *to a fine not exceeding \$5000 in any other case, unless he or she proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.*

### **112A Return of electoral donations and expenses**

- (1) *Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.*
- (2) *However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.*
- (3) *The return of electoral donations and expenses must set out—*
  - (a) *the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1500 in sum or value; and*
  - (b) *whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds \$1500 in sum or value; and*
  - (c) *the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds \$1500; and*
  - (d) *details of the candidate's electoral expenses.*

- (4) *The details referred to in subsection (3)(a) are –*
  - (a) *the name of the donor; and*
  - (b) *the address of the donor; and*
  - (c) *the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and*
  - (d) *the date the donation was received or, in the case of aggregated donations, the date that each donation was received.*
- (5) *The details referred to in subsection (3)(b) are –*
  - (a) *the name of the contributor; and*
  - (b) *the address of the contributor; and*
  - (c) *the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.*
- (6) *The details referred to in subsection (3)(c) are –*
  - (a) *the date the donation was received; and*
  - (b) *the amount of the donation; and*
  - (c) *the amount paid to the electoral officer under section 103J(1) or (2) and the date that payment was made.*
- (7) *Every return filed under this section must be in the form prescribed in Schedule 2.*
- (8) *It is the duty of every electoral officer to ensure that this section is complied with.*
- (9) *In this section, file in relation to a return, means to send the return to the electoral officer responsible for the conduct of the election.*

#### **112B Nil return**

*If a candidate considers that there is no relevant information to disclose under section 112A, the candidate must file a nil return under that section.*

#### **112C Failure to file return of electoral donations and expenses**

*A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to –*

- (a) *a fine not exceeding \$1000; and*
- (b) *if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office until the return is filed.*

#### **112D Filing a false return of electoral donations and expenses**

*A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction –*

- (a) *to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or*
- (b) *to a fine not exceeding \$5000 in any other case, unless the candidate proves that–*
  - (i) *he or she had no intention to misstate or conceal the facts; and*
  - (ii) *he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.*

### **112E Obligation to retain records necessary to verify return**

- (1) *A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.*
- (2) *The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.*
- (3) *A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.*

### **112F Return of electoral donations and expenses to be open for public inspection**

- (1) *The electoral officer must keep every return filed under section 112A in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the public inspection period).*
- (2) *During the public inspection period the electoral officer must –*
  - (a) *publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and*
  - (b) *make available for public inspection a copy of every return filed under section 112A; and*
  - (c) *provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.*



## 8. ELECTORAL ROLLS

Copies of the preliminary electoral roll for each constituency will be available for public inspection from Friday 19 July 2019 to Friday 16 August 2019 at the respective territorial authority offices; libraries and Post Shops within each constituency; and Horizons Regional Council Regional House, Palmerston North.

Those eligible to vote are:

- all residents enrolled on the parliamentary electoral roll within the Manawatū-Whanganui region
- all non-resident ratepayers enrolled on the ratepayer electoral roll.

Persons are qualified to be enrolled on the parliamentary electoral roll if they:

- are a New Zealand citizen or a permanent resident of New Zealand and
- are 18 years of age or over and
- have at some time resided continuously in New Zealand for one year or longer and
- are not disqualified under the *Electoral Act 1993*.

Any alterations to the residential roll, should be made by:

- completing the appropriate form at any Post Shop or
- telephoning 0800 ENROLNOW (0800 367656) or
- accessing the Electoral Commission web site on [www.elections.org.nz](http://www.elections.org.nz)

Any changes, queries or omissions relating to the non-residential ratepayer electoral roll, should be made through your local Electoral Office (the City or District Council).

Hard copies of the preliminary electoral roll may be viewed at the Territorial Authority Electoral Office and local library and may be available for purchase on request.

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll is the roll used for issuing voting documents and comes into force on 16 September 2019. Copies of this roll may also be available for purchase.

Details appearing in the electoral rolls are electors names (*surname, then first names*) listed alphabetically. The qualifying address of the elector (*and occupation*) is shown alongside. No postal addresses, as distinct from residential addresses, are shown.

Information contained on the electoral rolls is not available from the electoral officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Enrolment Services at the Electoral Commission. An application form is required to be completed, and these are available upon request at the Electoral Commission on 0800 36 76 56.

Candidates or candidate scrutineers may request, before the close of voting, that the city/ district electoral officer provides a listing of names of persons from whom voting documents have been received. Such a request can be supplied in either hardcopy or electronic copy, but a reasonable charge (will or may) be made for this (*section 68(6) LEA*).



## 9. VOTING AND SPECIAL VOTING

### Order of Candidates on the Voting Papers

Horizons has resolved pursuant to Section 31 of the Local Electoral Regulations 2001 that the names of the candidates will appear on the voting papers in random order.

This means that the candidate names will appear in a different order on each separate voting paper. Barcodes will be printed beside each candidate name for vote processing purposes.

### Voting

The election is being conducted by postal vote. Voting documents will be posted out to all electors whose names appear on the final electoral roll. Delivery by New Zealand Post will commence Friday 20 September 2019, and all electors should have received their voting documents by Wednesday 25 September 2019 at the latest (*regulation 51 LER*).

Each elector, after receiving their voting document, should complete it, seal it in the return, postage paid envelope, and post or deliver it to the electoral officer.

For posting completed voting documents back, electors should ensure they are posted in time to guarantee delivery to the electoral officer before the close of voting (12 noon, Saturday 12 October 2019). Postal delivery times vary between city and rural delivery.

### Special voting

Special votes are available to electors:

- whose names do not appear on the final electoral roll, but who qualify as electors
- who did not receive the voting document posted to them
- who spoil or damage the voting document posted to them
- whose name appears on the unpublished electoral roll.

Special votes will be available during normal business hours from Friday 20 September 2019 to noon, Saturday 12 October 2019. Contact your territorial authority (city or district council) for locations.

Special votes can be posted directly to electors. The completed voting document, however, must be in the hands of your territorial authority electoral officer or deputy electoral officer by 12 noon on election day (Saturday 12 October 2019).

Special votes require the completion of a statutory declaration. This is a legal requirement and a protection against possible duplicate voting.

If an elector requests a special vote and is not on the parliamentary roll (e.g. just turned 18 years of age), the person must enrol by Friday 11 October 2019 (the day before the close of voting). An application for registration as a parliamentary elector may be obtained:

- from any Post Shop; or
- by telephoning 0800 ENROLNOW (0800 367656); or
- by accessing the Electoral Commission web site on [www.elections.org.nz](http://www.elections.org.nz)

After voting closes, special vote declarations are forwarded to the relevant Registrar of Electors for verification that the elector is eligible and has enrolled as a parliamentary elector.

Special voting documents can be uplifted on behalf of an elector with their written authority but **cannot** be collected by candidates or their assistants for distribution to electors.



## 10. EARLY PROCESSING OF RETURNED VOTING DOCUMENTS

Returned voting documents are able to be opened and processed (but not counted) during all or part of the voting period prior to the close of voting (*section 80 LEA*).

The early processing of voting documents involves the following functions and is carried out after the scrutiny has been completed:

- opening of envelopes;
- extracting of voting documents;
- checking for informal or duplicate votes;
- electronic capture and reconciliation of valid votes.

No tallying of votes is undertaken until after the close of voting on election day (12 noon, Saturday 12 October 2019).

The early processing functions are undertaken with strict security measures in place. One or more Justices of the Peace observe all early processing functions, and sign a certificate at the end of the processing to confirm that all functions were undertaken correctly and conformed with the strict legal requirements. The Justice of the Peace must be present at all times early processing is taking place (*section 82 LEA*).

Candidate scrutineers are **not** permitted to observe the processing of voting documents.



## 11. SCRUTINEERS

Candidates may appoint scrutineers to oversee various functions of the election. These functions are:

- the scrutiny of the roll
- the preliminary count (after the close of voting)
- the official count.

Scrutineers may not be present when the processing of votes takes place during the voting period.

Each candidate may appoint one or more scrutineers for each of the above functions, **but only one scrutineer for each candidate may be present at any one time.**

A scrutineer cannot be:

- a candidate
- a member or employee of any local authority or community board for an election being conducted
- under 18 years old.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the electoral officer of the relevant territorial authority. For a person to be appointed a scrutineer, the letter of appointment must be received by the electoral officer no later than 12 noon, Friday 11 October 2019 (*section 68 LEA*).

Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer. They will be required to sign a declaration pledging not to disclose any information coming to their knowledge. A name tag will be issued to the scrutineer that must be returned to the electoral officer or deputy electoral officer when departing the premises.

Any scrutineer may leave or re-enter the place where election functions are being conducted, **but it is an offence** (with liability for a fine) to make known:

- for what candidate any voter has voted; or
- the state of the election, or give or pretend to give any information by which the state of the election may be known, before the close of voting.

The scrutiny of the roll will be undertaken at your territorial authority office or at the premises allocated by the electoral officer during normal office hours between Friday 20 September 2019 and noon, Saturday 12 October 2019. Please contact your territorial authority electoral officer to confirm where the scrutiny of the roll is taking place.

The preliminary count of votes will commence once voting closes at 12 noon on Saturday, 12 October 2019. The count is undertaken by the territorial authority on behalf of Horizons Regional Council.

The official count of votes will commence once the preliminary count is concluded and the official declaration will be made in the week beginning Monday 14 October 2019 but is unlikely to be before Thursday 17 October 2019. The official count will be done by or on behalf of territorial authority offices.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the counting of votes is done fairly and reasonably. In carrying out this role, scrutineers must not disclose any information relating to voting or the state of the election or poll (this is an offence under *section 130 LEA*).

During the preliminary and official counts, scrutineers must **not** talk to any staff member and should not distract, annoy, or linger close by or talk loudly to one another so as to disrupt or upset any staff member. All communication should be through the electoral officer or deputy electoral officer.

No refreshments or meals will be provided to scrutineers. Scrutineers are advised to make their own provision for refreshments.

Mobile phones are prohibited from within the secure area where the count will take place.

## 12. RESULTS

### a) Three Types of Results

#### 1. Progress Results

Not all ordinary votes have been counted yet, those votes received on the last morning will still be in transit to the Electoral Officer. Progress results are expected to be available on Saturday 12 October from 2pm as reconciliations and quality assurance checks are completed. Results could change.

#### 2. Preliminary Results

All ordinary voting papers have been received and counted, but not all special votes. These will be announced later on Saturday evening or Sunday after we receive the last ordinary voting papers that were delivered to Council offices prior to the close of voting. Results could change.

#### 3. Official Results

All ordinary and special votes have been counted. These will be released by Thursday 17 October, once special votes are confirmed. Results are final.

The preliminary count of voting documents will take place from 12 noon, Saturday 12 October 2019.

As soon as practicable following the completion of the preliminary count, preliminary results will be made available to candidates, the public and members of the media. All candidates will be personally advised by Horizons' Electoral Officer as soon as results become available.

Results will be posted on Horizons Regional Councils website ([www.horizons.govt.nz](http://www.horizons.govt.nz)) as soon as they are available.

In this regard, candidates will be telephoned on their nominated telephone number. A notice of progress results will be posted on the doors of Regional House, 11-15 Victoria Avenue, Palmerston North.

### b) Official Results

The declaration of the official results is expected to be made towards the end of the week following election day, once all special votes have been verified and final checks made.

All candidates will be individually notified in writing when the official results of the election is available.



## 13. ELECTORAL OFFENCES

In addition to election offences already identified (in relation to illegal nominations, candidate advertising and electoral expenses), the following LEA provisions also apply and all candidates are advised to be familiar with these.

### ***121 Illegal nomination, etc***

Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$2000, who:

- (a) consents to being nominated as a candidate for an elective office knowing that he or she is incapable under any Act of holding that office; or
- (b) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or
- (c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.

### ***122 Interfering with or influencing voters***

- (1) *Every person commits an offence, and is liable on conviction to a fine not exceeding \$5000, who –*
  - (a) *interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:*
  - (b) *prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that –*
    - (i) *in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:*
    - (ii) *in the case of a poll, includes a statement or indication as to how any person should vote:*
    - (iii) *in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:*
  - (c) *prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any Regulations made under this Act to accompany the voting document.*
- (2) *Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed –*
  - (a) *the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and*
  - (b) *nothing else.*
- (3) *Nothing in this section applies to –*
  - (a) *any official statement or announcement made or exhibited under the authority of this Act or Regulations made under this Act; or*
  - (b) *any candidate profile statement, published, displayed, or distributed under the authority of this Act or regulations made under this Act.*

### **123 Offences in respect of official documents**

- (1) *Every person commits an offence who –*
  - (a) *intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll;*
  - (b) *intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll;*
  - (c) *forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document;*
  - (d) *supplies, without authority, a voting document to any person;*
  - (e) *obtains or has possession of any voting document, other than one issued to that person under this Act or any Regulations made under this Act for the purpose of recording his or her vote, without authority;*
  - (f) *intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.*
- (2) *Every person who commits an offence against subsection (1) is liable on conviction–*
  - (a) *in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;*
  - (b) *in the case of any other person, to imprisonment for a term not exceeding 6 months.*

### **124 Voting offences**

*Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding two years, who –*

- (a) *votes or applies to vote more than once at the same election or poll; or*
- (b) *without authority, removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.*

### **125 Bribery**

- (1) *Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person–*
  - (a) *gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or*
  - (b) *gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or*
  - (c) *corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or*
  - (d) *makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or*
  - (e) *upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or*



- (f) *advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or*
- (g) *knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.*
- (2) *An elector commits the offence of bribery if–*
  - (a) *before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting;*
  - (b) *after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.*
- (3) *Every person who commits bribery is liable on conviction to imprisonment for a term not exceeding two years.*

### **126 Treating**

- (1) *Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person –*
  - (a) *for the purpose of influencing that person or any other person to vote or refrain from voting; or*
  - (b) *for the purpose of obtaining his or her election; or*
  - (c) *on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.*
- (2) *Every holder of a licence under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision –*
  - (a) *to any person, if the supply is demanded for 1 or more of the purposes specified in subsection (1); or*
  - (b) *to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.*
- (3) *Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.*
- (4) *Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.*
- (5) *Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding two years.*

### **127 Undue influence**

- (1) *Every person commits the offence of undue influence –*
  - (a) *who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person –*
    - (i) *in order to induce or compel that person to vote or refrain from voting;*
    - (ii) *on account of that person having voted or refrained from voting;*
  - (b) *who, by abduction, duress, or any fraudulent device or means –*
    - (i) *impedes or prevents the free exercise of the vote of any elector:*

- (ii) *compels, induces, or prevails upon any elector either to vote or to refrain from voting.*
- (2) *Every person who commits the offence of undue influence is liable on conviction to imprisonment for a term not exceeding two years.*

### **128 Personation**

- (1) *Every person commits the offence of personation who, at any election or poll –*
  - (a) *votes in the name of some other person (whether living or dead), or of a fictitious person:*
  - (b) *having voted, votes again at the same election or poll:*
  - (c) *having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).*
- (2) *Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding two years.*

### **129 Infringement of secrecy**

- (1) *Every electoral officer, deputy electoral officer, and other electoral official –*
  - (a) *must maintain and assist in maintaining the secrecy of the voting; and*
  - (b) *must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.*
- (2) *No person, except as provided by this Act or regulations made under this Act, may –*
  - (a) *interfere with or attempt to interfere with a voter when marking or recording his or her vote; or*
  - (b) *attempt to obtain, in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or*
  - (c) *communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to –*
    - (i) *any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted: or*
    - (ii) *any number on a voting document marked or transmitted by the voter.*
- (3) *Every person present at the counting of votes must –*
  - (a) *maintain and assist in maintaining the secrecy of the voting; and*
  - (b) *must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.*
- (4) *No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.*
- (5) *Every person commits an offence who contravenes or fails to comply with this section.*
- (6) *Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding six months.*

### **130 Disclosing voting or state of election or poll**

- (1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who –
  - (a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or
  - (b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.
- (2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.
- (3) A person who commits an offence against subsection (1) is liable on conviction to a fine:
  - (a) not exceeding \$5000 for an electoral officer or deputy electoral officer;
  - (b) not exceeding \$2000 for any other person.

### **131 Penalty for electoral officer, deputy electoral officer, and other electoral officials**

Every electoral officer, deputy electoral officer, or other electoral official commits an offence, and is liable on conviction to a fine not exceeding \$2000, who is guilty of any intentional or reckless act of commission or omission contrary to the provisions of this Act or regulations made under this Act in respect of any election or poll, and for which no other penalty is imposed by this Act or regulations made under this Act.

## **General provisions**

### **137 Property may be stated as being in electoral officer**

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, and instruments is to be treated as that of the electoral officer at that election or poll.

### **138 Duty to take action in respect of offences**

- (1) Subsection (2) applies if an electoral officer—
  - (a) receives a written complaint that an offence has been committed under—
    - (i) Part 5; or
    - (ii) Part 5A; or
    - (iii) this Part; or
  - (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- (2) If this subsection applies, the electoral officer must—
  - (a) report the complaint or belief to the Police; and
  - (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
- (3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- (4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

**138AA Time limit for prosecutions**

- (1) *A prosecution under section 112C must be commenced within 6 months of the date on which the return was required to be filed.*
- (2) *A prosecution under section 103K or 112D must be commenced—*
  - (a) *within 6 months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but*
  - (b) *not later than three years after the offence was committed.*

## 14. ELECTION HOARDINGS

### a) Individual Council Policies

*For information regarding Election Hoardings and removal of elections signs, please contact the relevant Council directly.*



#### **HOROWHENUA DISTRICT COUNCIL**

**Ph: 06 366 0999** or Vai Miller, Compliance Manager, 027 436 9866.



#### **MANAWATU DISTRICT COUNCIL**

**Ph: 06 323 0000**



#### **PALMERSTON NORTH CITY COUNCIL**

**Ph: 06 356 8199** and ask for the Environmental Protection Services or email [epse@pncc.govt.nz](mailto:epse@pncc.govt.nz).



#### **RANGITIKEI DISTRICT COUNCIL**

**Ph: 06 327 0099**



#### **RUAPEHU DISTRICT COUNCIL**

**Ph: 07 895 8188**



#### **STRATFORD DISTRICT COUNCIL**

**Ph: 06 765 6099**



#### **TARANAKI DISTRICT COUNCIL**

**Ph: 06 374 4080**



#### **WHANGANUI DISTRICT COUNCIL**

**Ph: 06 349 0001**



#### **WAITOMO DISTRICT COUNCIL**

**Ph: 0800 932 4357**

## b) NZ Transport Agency Guidelines



NZ TRANSPORT AGENCY  
WAKA KOTAHI

### NZ TRANSPORT AGENCY GUIDELINES

Electoral signage rules that are set out in the Electoral Regulations 2005 which is located here [www.legislation.govt.nz/regulation/public/2005/0147/latest/whole.html](http://www.legislation.govt.nz/regulation/public/2005/0147/latest/whole.html)

Section 8 (copy below) refers specifically to electoral signs on the State highway reserve. The broader signage requirements are also consistent with the Transport Agency's general approach and principles towards managing signs on the State highway network.

#### 8 Size of lettering and line spacing

- (1) On any road controlled by the New Zealand Transport Agency the lettering on an advertisement of a specified kind must be not less than—
  - (a) 120 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of less than 70 km per hour:
  - (b) 160 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of 70 km per hour or more.
- (2) On any road controlled by the New Zealand Transport Agency the spacing between lines of text on an advertisement of a specified kind that is erected on any road or in any place visible from a road must be not less than 50 mm.
- (3) Subclauses (1) and (2) do not apply to—
  - (a) the lettering on any party logo displayed in an advertisement if that logo has been registered by the Electoral Commission under section 67A of the Electoral Act 1993:
  - (b) the promoter statement required by section 204F of the Electoral Act 1993 to be included in the advertisement:
  - (c) an advertisement of a specified kind that is published in the form of a poster that is less than 1 500 cm<sup>2</sup> in size.

## 15. REMUNERATION

**Note:** The following outlines the Council's current remuneration. This will be confirmed at the inaugural meeting.

The remuneration rates, the level of allowances and the reimbursement of expenses payable to local government elected members are set by the Remuneration Authority, which is a statutory body whose members are appointed by the Government.

The Remuneration Authority has determined that the following salaries will apply from 1 July 2019 and will remain in effect until the date the election results are officially declared by the electoral officer. Following the election, Horizons Regional Council Councillors will be paid an annual salary.

<i>Chairperson</i>	<i>\$137,703 (base salary per annum)</i>
<i>Councillor</i>	<i>\$47,761 (base salary per annum)</i>

The Committee Chairs and Deputy Chairs (including Deputy Chair of Council) are paid an additional salary to recognise the additional responsibility of those positions. The current committees of council are listed on page 9 of this handbook.





## 16. MEMBERS' INTERESTS

Prospective candidates should be aware of the requirements of The *Local Authorities (Members' Interests) Act 1968*. This Act fulfils two underlying purposes:

- it prevents members from using their position to obtain preferential treatment from the authority of which they are a member in contracting situations.
- it ensures that members are not affected by personal financial motives when they participate in authority matters.

There is a rule of law, known as the rule against bias, which says that “no one may be judge of their own cause”. The object of this rule is to ensure that people who exercise power from positions of authority, carry out their duties free from bias (actual or apparent). The *Act* is a statutory application of this rule to particular circumstances, i.e. pecuniary interests, and:

- controls the making of contracts between members and their authority.
- prevents members from participating in authority matters in which they have a pecuniary interest.

A member is disqualified from office who is “concerned or interested” in contracts with their authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 in any financial year. The \$25,000 limit is GST inclusive. This restriction is waived if prior approval is obtained from the Office of the Controller and Auditor-General.

Disqualification means that a person cannot:

- be elected or appointed to
  - the authority; and/or
  - any committee of the authority; or
- hold office as a member of the authority or any committee.

It is also an offence under the *Act* for a person to act as a member of an authority, or a committee of the authority, while disqualified. A disqualification lasts until the next general election or opportunity for appointment to the authority.

The restriction on contracting applies to the member, not the authority. The *Act* does not affect the authority’s power to enter into contracts. The fact that a contract has been let does not invalidate the contract.

Under Section 6 of the *Act*, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the council or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted. Conviction leads to disqualification from office.

When a matter is raised at a meeting of the council or a committee in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.



## **17. TERM OF MEMBERSHIP**

### **a) When members come into office**

Where an election is required, a candidate comes into office on the day after the day on which the official result of the election is declared by public notice (*section 115 LEA*).

Where an election is not required (i.e. because the number of candidates does not exceed the number of vacancies), those unopposed candidates are declared elected at the close of nominations (*section 63 LEA*) and they come into office at the same time as the other elected candidates (i.e. the day after the official result of the election is declared by public notice (*section 115 LEA*)).

If at close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are required to be filled by an election which cannot occur any earlier than 17 February 2019 (*section 117 LEA*).

If a person is appointed to fill an extraordinary vacancy, they come into office on the day on which the resolution confirming their appointment is made (*sections 115(3) and 118(2) LEA*).

It is important to note, however, that no person is capable of acting as a member of any local authority until he or she has, at a meeting of the local authority, made a declaration as required by *clause 14, Schedule 7 Local Government Act 2002*. This is done at Council's inaugural meeting after the local authority elections. This meeting is called by the council's chief executive as soon as practicable after the results of the election are known.

### **b) When members leave office**

In the ordinary course of events, the term of office ends and members leave office:

- (a) in the case of an election, when members elected at the next election come into office
- (b) in the case of an appointment, when the member's successor comes into office
- (c) in the event of a member's resignation, on the date on which the member's resignation is delivered to the chief executive of the local authority concerned
- (d) for a member appointed or elected to fill an extraordinary vacancy, at the end of the unexpired portion of his or her predecessor's term

If a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election (*section 116(2) LEA*).



## 18. INAUGURAL MEETING

The successful candidates will take office on the day after the Electoral Officer gives his official notification of the result of the election. However, no person is permitted to act as a member before making a declaration as a member of Council. This declaration will be made at the Inaugural Meeting of Council, provisionally scheduled to take place at 10:00 am on Tuesday, 22 October 2019 in the Boardroom of Horizons Regional Council's offices at 11-15 Victoria Avenue, Palmerston North.

The business conducted at the Inaugural Meeting is as follows:

- a. The making and attesting of the declarations required of Councillors.
- b. The election of the Chairperson and Deputy Chairperson.
- c. A general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members.
- d. Items of urgent general business, if any.
- e. Confirmation of the Council's Committee Structure.
- f. Adoption of a meeting schedule for the following twelve months.
- g. Notification of the remuneration of the Councillors.
- h. Adoption of Standing Orders.
- i. Appointment of representatives to Local Government NZ.

The declaration required to be made by Councillors is as follows:

*"I declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Manawatū-Whanganui region, the powers, authorities, and duties vested in or imposed upon me as a member of the Manawatū-Whanganui Regional Council (trading as Horizons Regional Council) by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".*





## NOMINATION FORM FOR CANDIDATE FOR THE MANAWATŪ-WHANGANUI REGIONAL COUNCIL (HORIZONS)



<p><b>IMPORTANT:</b></p> <ul style="list-style-type: none"> <li>▪ Nomination forms must be in the hands of the Electoral Officer/Official before 12 noon on Friday, 16 August 2019.</li> <li>▪ All nomination documents must be submitted at the same time</li> <li>▪ Nominators and Candidates should read the notes and additional information on the reverse of this form before completing.</li> </ul>	<p>To: <b>Electoral Officer</b> Craig Grant Horizons Regional Council 11-15 Victoria Avenue Private Bag 11025, Manawatū Mail Centre Palmerston North 4442</p>
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**A: Nominators to complete all sections**

We, the undersigned electors of Manawatū-Whanganui Regional Council (Horizons) hereby nominate:

First Names: \_\_\_\_\_ Surname: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Postal code: \_\_\_\_\_

With his/her consent, as a candidate for the office of Councillor in the Constituency of \_\_\_\_\_  
 the election for which is to be held on Saturday, 12 October 2019. *(Name of Constituency standing for)*

Dated at: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2019

1. Signature: _____	2. Signature: _____
Full Names: _____	Full Names: _____
Address: _____	Address: _____
Mobile/Phone _____	Mobile/Phone _____

**B: Candidate to complete all sections**

I, \_\_\_\_\_ hereby consent to the above nomination.

I certify that I am qualified to be a candidate under section 25 of the Local Electoral Act 2001 and in terms of any other Act and that I am not disqualified under section 58 of the Local Electoral Act 2001 or by any other Act. In particular I am a New Zealand citizen and a parliamentary elector (see notes and additional information on the reverse of this form).

My principal place of residence (tick option)  is **within** the constituency I am standing for  is **not within** the constituency I am standing for

Are you standing for any other elections?  Yes  No If yes, please state: \_\_\_\_\_

In the public notice given under section 65 of the Local Electoral Act 2001, I wish my affiliation (or other designation) to be shown as: \_\_\_\_\_  
(If left blank no affiliation or designation including "Independent" will be shown on the voting documents).

I wish my name to be shown on the voting document as: \_\_\_\_\_  
(Surname first, ie. BLACK, John)

Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Mobile: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

I submit with this nomination (please tick appropriate circles) Deposit of \$200  Photo (x2)  Profile statement   
 Evidence of NZ citizenship (acceptable evidence includes NZ Passport, NZ Birth Certificate, NZ Citizenship documentation)

I understand that, in not providing a profile or photo, the words 'Profile/Photo not supplied' will appear below my name in the Profile Booklet that will be sent out with the Voting Paper. **All nomination documents must be submitted at the same time.**

**C: Electoral Officer to complete**

Received at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Signature \_\_\_\_\_  
(The receipt given in respect of this nomination paper does not constitute an acknowledgement that the nomination paper is in order.)



For more information visit [www.horizons.govt.nz](http://www.horizons.govt.nz)  
or freephone Horizons on 0508 800 800



## NOTES:

1. Candidates do not need to live within the Manawātū-Whanganui Region, but must be enrolled as a parliamentary elector somewhere in NZ.
2. Both nominators must be enrolled as electors in the Horizons Constituency for which the Candidate is standing.
3. No person can be elected to a local authority if he/she is concerned or interested in contracts over \$25,000 with that local authority. This restriction is waived if prior approval from the Office of Controller and Auditor-General is obtained.
4. A candidate may stand for either the regional council or city/district council/community/local board in the regional council's district but not both (section 58 LEA).
5. A candidate may not stand for more than one constituency of the same local authority (Section 57A LEA).
6. A candidate cannot nominate themselves for office.
7. A candidate may under section 56 of the Local Electoral Act 2001 (LEA) be nominated under a name which the candidate is commonly known provided that the name will not: cause offence to a reasonable person; be unreasonably long; include or resemble an official rank or title; cause confusion or mislead electors (section 56 LEA).
8. Where no affiliation is claimed, or an affiliation is disallowed by the Electoral Officer under section 57 of the LEA, nothing will be shown in the public notice or the voting paper against the candidate's name. A candidate with no affiliation may request that 'Independent' be shown.
9. Under section 121 of the LEA, any person is liable to a fine of up to \$2,000 who:
  - (a) Knowing themselves to be ineligible for election, consents to being nominated for election; or
  - (b) Nominates any person as a candidate whom he/she knows to be ineligible for election; or
  - (c) Not being the candidate signs any nomination paper knowing that they are not qualified to vote at the election.
10. Each nomination must be accompanied by the required deposit of \$200.00 (inclusive of GST) or proof of an electronic deposit.
11. Evidence of NZ citizenship WILL be requested at time of candidate nomination. Acceptable evidence includes NZ Passport, NZ Birth Certificate, NZ Citizenship documentation.
12. Nominations of candidates must be in the hands of the Electoral Officer, Horizons Regional Council before 12 noon on Friday 16 August 2019.
13. An employee of a local authority may stand for election as a councillor of that local authority, but if elected, must resign as an employee of the local authority before taking office.
14. Previous restrictions on Police employees wanting to stand for election to a local authority have now been removed and there are now no restrictions applying to Police employees wishing to stand in local authority elections.
15. Section 55(5) of the Local Electoral Act 2001 requires that this nomination form be available for public inspection at Horizons Regional Council's office. Please note that candidate contact details provided on this form are placed on the Horizons Regional Council website. Please advise at the time of lodging your nomination if there are contact details that you would not like to be published.
16. Nominations of candidates must be in the hands of the Electoral Officer:
  - Horizons Regional Council's office at 11-15 Victoria Avenue, Palmerston North, either by post or email to the Electoral Officer:

Craig Grant Horizons Regional Council 11-15 Victoria Avenue Private Bag 11025 Manawātū Mail Centre Palmerston North 4442 T 0508 800 800 E elections@horizons.govt.nz	Deposits made electronically are to be paid into: Account name: Horizons Regional Council Account number: 02-0630-0024883-02 Bank: BNZ  Using the following information: Deposit reference: ELECTIONS Code: (your surname)
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and checked no later than **12 noon on Friday, 16 August 2019**

**Applications received after this time will not be accepted**





**Return of Electoral Donations and Expenses**



**PART 1: RETURN OF ELECTORAL DONATIONS<sup>1</sup>**

**Under section 112A of the Local Electoral Act 2001**

I, \_\_\_\_\_ a candidate at the by-election held on the 12th day of October 2019, make the following return of all **electoral donations** received by me that **exceed \$1,500**.

**A. Electoral Donations**

(Set out the name and description of every person or body of persons from whom or which any donations (whether of money or the equivalent of money or of goods or services or of a combination of those things) of a sum or value of **more than \$1,500** (such amount being inclusive of GST) and of a series of donations made by or on behalf of any one person that aggregate **more than \$1,500** (inclusive of GST) was received by the candidate or by any other person on the candidate's behalf for use by or on behalf of the candidate in the campaign for his or her election. The amount of each donation received is to be set out separately. If a donation of a sum of **more than \$1,500** was received from an anonymous person, the amount of the donation must be stated and the fact that the person who made the donation is anonymous must also be stated in **Part C**.)

NAME and ADDRESS of DONOR	DESCRIPTION OF DONATION (money, goods or services) and whether it contains contributions (if it does, also complete <b>Part B</b> below)	DATE DONATION RECEIVED (or dates received if aggregated)	VALUE OF DONATION (\$) (incl GST) (or total if aggregated)
<b>TOTAL</b>			<b>\$</b>

**Note: If there is insufficient space in any section, please attach a separate sheet with the detail**

**B. Electoral donation funded from contributions<sup>2</sup>**

Complete this section if any of the above donations are funded from contributions.

NAME and ADDRESS of CONTRIBUTOR	DESCRIPTION (money, goods or services) and the electoral donation (in <b>Part A</b> ) to which the contribution applies	DATE DONATION RECEIVED (or dates received if aggregated)	VALUE OF CONTRIBUTION (\$) (incl GST) (or total if aggregated)
<b>TOTAL</b>			<b>\$</b>

**Please turn over for Electoral Expenses and Declaration**

<sup>1</sup>The Local Electoral Act requires candidates to file "nil return" if the candidate considers that there is no relevant information to disclose under section 112A. Candidates should indicate "nil return" in the relevant tables on this form.

<sup>2</sup>The Local Electoral Act defines "contributions" as money or goods or services that have been given to a donor to fund, be applied to, or included in an electoral donation (for example, contributions to trust funds or a fundraising collection).

### C. Anonymous electoral donations<sup>3</sup>

Complete this section for any anonymous donation received that exceeds \$1,500 in sum or value.

DATE DONATION RECEIVED	VALUE OF DONATION (\$) (incl GST) (money, goods or services)	DATE PAYMENT MADE TO ELECTORAL OFFICER	AMOUNT PAID TO ELECTORAL OFFICER
<b>TOTAL</b>	<b>\$</b>		<b>\$</b>

### PART 2: RETURN OF ELECTORAL EXPENSES

**Under section 112A of the Local Electoral Act 2001**

I, \_\_\_\_\_ a candidate at the election held on the 12th day of October 2019, make the following return of all **electoral expenses** incurred by me.

(Set out separately the name and description of every person or body of persons to whom or which any sum was paid, and the reason for which it was paid. Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets, etc, must be set out separately and under separate headings.)

NAME and ADDRESS (to whom any sum was paid)	DESCRIPTION OF EXPENSES	EXPENSES PAID
	<b>TOTAL</b>	<b>\$</b>

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2018

Signature \_\_\_\_\_

**THIS FORM IS REQUIRED TO BE RECEIVED BY THE ELECTORAL OFFICER BY MID DECEMBER 2019:**

Craig Grant - Electoral Officer  
Horizons Regional Council  
11-15 Victoria Avenue  
Private Bag 11025  
Manawatū Mail Centre  
Palmerston North 4442

Freephone 0508 800 800  
Telephone 06 952 2863  
Email elections@horizons.govt.nz

**NOTE:** Any shared election expenses should be equitably apportioned and included in the description of expenses above [refer section 112 of the Local Electoral Act 2001].

<sup>3</sup> Section 103A of the Local Electoral Act defines "anonymous" as "made in such a way that the candidate who receives the donation does not know the identity of the donor, and could not, in the circumstances, reasonably be expected to know the identity of the donor".